

United States District Court  
For The Middle District Of Pennsylvania

Prince Isaac

4:17cv2397

UNITED STATES OF AMERICA

FILED  
SCRANTON

DEC 26 2017

Federal Tort Claim Act  
28 U.S.C.S 2401(b)  
28 U.S.C.S. 2675(a)

PER

Amo  
DEPUTY CLERK

FTCA Complaint

Prince Isaac, hereinafter Plaintiff, brings this federal tort claim due to negligent actions by federal employees at United States Penitentiary Lewisburg.

1. Plaintiff, a prisoner in custody of the Bureau of Prisons, was transferred on or about June 4, 2015, to United States Penitentiary Lewisburg.

2. Plaintiff suffers from Osteochondroma, which is severe bone abnormality. Plaintiff has Osteochondroma in various parts of his body, including his arm, specifically his left arm.

3. Due to the Osteochondroma, Plaintiff's left arm isn't able to bend backwards without extreme pain occurring and aggravating the Osteochondroma.

Upon arriving at USP Lewisburg, Plaintiff was "screened" by medical, at which time Plaintiff's medical record was reviewed and a rudimentary evaluation of Plaintiff conducted. Medical Staff acknowledged that Plaintiff required a bottom bunk, handcuffed to the front; and big leg irons used; all due to Plaintiff's severe osteochondroma. See "Exh A".

4. Albeit Medical provided Plaintiff with a copy of his medical status sheet, which showed Plaintiff needed a bottom bunk and be handcuffed to the front; Correctional officers ignored these medical requirements and cuffed Plaintiff to the back and placed Plaintiff in a cell where the bottom bunk was already occupied. Thanks to Plaintiff's "cellmate" Plaintiff didn't have to go through the agonizing experience of trying to get up and down on the top bunk. However, due to officers blatant disregard for Plaintiff's medical need to be cuffed to the front when escorted to and from the cell, Plaintiff was subjected to severe pain, then and now.

5. Plaintiff made repeated request to medical about the issue of being handcuffed to the front and the pain it was causing; however, medical repeatedly replied that it was documented that Plaintiff was medically required to be cuffed to the front and Correctional officers were aware of this; if they weren't adhering to this medical requirement Plaintiff should use the administrative remedy process to get officers to adhere to said medical requirements.

6. Plaintiff filed a "BP-8" giving it to Counselor Thrum, who informed Plaintiff that he would look into the matter. After several months Plaintiff received no reply on the "BP-8," and Counselor Thrum wouldn't provide Plaintiff with a "BP-9," which is reviewed putatively by the Warden, thus Plaintiff had to continue suffering due to Staff's negligent conduct. Plaintiff's complaints were ignored by Staff on every level at USP Lewisburg.

7. In or about May 2016, Plaintiff was seen by a Chronic care doctor, at which time Plaintiff brought to his attention the pain he was suffering due to Staff's disregard for his medical need. The doctor ordered an X-ray.

8. On or about June 8, 2016, Plaintiff was transferred to USP Allenwood; there Plaintiff was placed on pain medication, due to the aggravation of the Osteochondroma, which Plaintiff has been on since.

9. In or about December 2016, Plaintiff filed an Administrative Tort Claim - See "Exh B" - with the Federal Bureau of Prisons, which was denied June 15, 2017.

### REMEDY

10. Plaintiff seeks \$27,500 in compensatory damages, due to federal officials at USP Lewisburg

Negligence. Plaintiff's pre-existing Condition of Osteochondroma has been severely aggravated, causing Plaintiff unbearable pain, requiring Plaintiff to be on pain medication, which prevents him from being productive physically and unable to utilize his left arm thoroughly; surgery on said arm may now be imminent, and the possibility of said arm being whole again bleak; solely because Staff at USP Lewisburg purposely, with intentional malice, disregarded Plaintiff's medical requirements.

Respectfully Submitted,

ISI P. Isaac

Prince Isaac #59997-066

USP Coleman -1

PO Box 1033

Coleman, FL 33521

USP Ltg

P.O. Box 305

Lewisville, NC 24263

July 11-13-17



Via Certified and Return Receipt Mail

U.S. Department of Justice

Federal Bureau of Prisons

Northeast Regional Office

U.S. Custom House-7th Floor  
2nd & Chestnut Streets  
Philadelphia, PA 19106

June 15, 2017

Prince Isaac, Reg. No. 59997-066  
USP Coleman I  
P.O. Box 1033  
Coleman, FL 33521

RE: Administrative Claim No. TRT-NER-2017-02021

Dear Mr. Isaac:

Your Administrative Claim No. TRT-NER-2017-02021, properly received on December 29, 2016, has been considered for settlement as provided by the Federal Tort Claims Act (FTCA), 28 U.S.C. §2672, under authority delegated to me by 28 C.F.R. §543.30. Damages are sought in the amount of \$27,500.00 based on a personal injury claim. Specifically, you allege you suffer from osteochondroma, which was aggravated due to being cuffed in the back while housed at USP Lewisburg.

An investigation, including review of your medical records, shows you arrived at USP Lewisburg with a history of osteochondroma. While housed at USP Lewisburg, you were not on any medication nor had you report other systemic illness. There was no indication of a medical need to be cuffed from the front. There is no evidence that you experienced a compensable loss as the result of negligence on the part of any Bureau of Prisons employee. Accordingly, your claim is denied.

If you are dissatisfied with this decision, you may bring an action against the United States in an appropriate United States District Court within six (6) months of the date of this memorandum.

Sincerely,

Michael D. Tafelski  
Regional Counsel

cc: David J. Ebbert, Warden, USP Lewisburg

Certif'cally OF SGNVICH

I Priggs ISRAAEL certify that I have caused to be sent the foregoing Fish complaint, via prepaid United States Postage Service, by giving it to a Unit Correctional Officer, to be sent to:

Circle of God  
Middle District of Pennsylvania

P. JMK

Priggs ISRAEL "59997-06"  
JSP LSS  
P.O. Box 305  
Janesville, VA 24263

Dated: December 13, 2017

